



DEPARTMENT OF ENVIRONMENTAL RESOURCES

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9494
Phone: 209.525.6700 Fax: 209.525.6774

April 22, 2016

Ken Mattson, Owner
KS Mattson Partnership, LP
PO Box 5490
Vacaville, CA 95696

TRANSMITTAL OF COMPLIANCE ORDER NO. DER-16CO-005 FOR ARSENIC MAXIMUM CONTAMINANT LEVEL

The Ceres West Mobile Home Park Water System has ongoing violations of the Maximum Contamination Level (MCL) for arsenic, as specified in the Domestic Water Quality and Monitoring Regulation, Chapter 15, Title 22, California Code of Regulations. The Stanislaus County Department of Environmental Resources originally issued Compliance Order No. DER-13CO-001 in response to these violations, on March 6, 2013. A revised compliance order is being transmitted to the Ceres West Mobile Home Park Water System under cover of this letter.

Please respond to each item of the Directives by the deadlines established in the compliance order. If you have any questions regarding this matter, please contact Rachel Riess at (209) 525-6720.

Sincerely,

Rachel Riess, REHS
Registered Environmental Health Specialist

Enclosure (2)

cc: Quality Services Inc., 2996 McHenry Avenue, Escalon, CA 95320

STANISLAUS COUNTY
DEPARTMENT OF ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL HEALTH

TO: Ceres West Mobile Home Park
2030 Grayson Road
Ceres, CA 95307

Attn: Ken Mattson, Owner
KS Mattson Partnership, LP

COMPLIANCE ORDER NO. DER- 16CO-005

FOR

VIOLATION OF HEALTH AND SAFETY CODE SECTION 116555 (a) (1)

AND THE PRIMARY DRINKING WATER STANDARD FOR ARSENIC

WATER SYSTEM NO. 5000077

Issued on April 22, 2016

The Department of Environmental Resources (hereinafter "Department"), acting by and through its Division of Environmental Health (hereinafter "Division") and the Manager for the Division (hereinafter "Manager"), hereby issues this Compliance Order (hereinafter "Order") pursuant to Sections 116330 (f) and 116655 of the California Health and Safety Code (hereinafter "CHSC") to the Ceres West Mobile Home Park Water System (hereinafter, "Ceres West") for violation of the CHSC Section 116555(a)(1) and Title 22, California Code of Regulations (hereinafter "CCR"), Section 64431.

APPLICABLE AUTHORITIES

Section 116555(a) (1) of the CHSC states in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

- (1) Complies with primary and secondary drinking water standards.

Section 116655 of the CHSC states in relevant part:

(a) Whenever the Department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an Order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the department.
- (3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An Order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the Department.

CCR, Title 22, Section 64431, states in relevant part:

Public water systems shall comply with the primary MCLs in table 64431-A as specified in this article.

Table 64431-A
Maximum Contaminant Levels
Inorganic Chemicals

<i>Chemical</i>	<i>Maximum Contaminant Level, mg/L</i>
Aluminum	1.
Antimony	0.006
Arsenic	0.010
Asbestos	7 MFL*
Barium	1.
Beryllium	0.004
Cadmium	0.005
Chromium	0.05
Cyanide	0.15
Fluoride	2.0
Nitrate	0.010
Mercury	0.002
Nickel	0.1
Nitrate (as nitrogen)	10.
Nitrate+Nitrite (sum as nitrogen)	10.
Nitrite (as nitrogen)	1.
Perchlorate	0.006
Selenium	0.05
Thallium	0.002

* MFL=million fibers per liter; MCL for fibers exceeding 10 um in length.

CCR Title 22, Section 64432, states in relevant part:

(g) If the level of any inorganic chemical, except for nitrate, nitrite, nitrate plus nitrite, or perchlorate, exceeds the MCL, the water supplier shall do one of the following:

(1) Inform the Department within 48 hours and monitor quarterly beginning in the next quarter after the exceedance occurred; or

1 (2) Inform the Department within seven days from the receipt of the analysis
2 and, as confirmation, collect one additional sample within 14 days from
3 receipt of the analysis. If the average of the two samples collected exceeds
4 the MCL, this information shall be reported to the Department within 48
5 hours and the water supplier shall monitor quarterly beginning in the next
6 quarter after the exceedance occurred.

7 (h) If the concentration of an inorganic chemical exceeds ten times the MCL, within
8 48 hours of receipt of the result the water supplier shall notify the Department and
9 resample as confirmation. The water supplier shall notify the Department of the
10 result(s) of the confirmation sample(s) within 24 hours of receipt of the confirmation
11 result(s).

12 (1) If the average concentration of the original and confirmation sample(s) is
13 less than or equal to ten times the MCL, the water supplier shall monitor
14 quarterly beginning in the quarter following the quarter in which the
15 exceedance occurred.

16 (2) If the average concentration of the original and confirmation sample(s)
17 exceeds ten times the MCL, the water supplier shall, if directed by the
18 Department;

19 (A) Immediately discontinue use of the contaminated water source; and

20 (B) Not return the source to service without written approval from the
21 Department.
22

1 (i) Compliance with the MCLs shall be determined by a running annual average; if
2 any one sample would cause the annual average to exceed the MCL, the system is
3 immediately in violation. If a system takes more than one sample in a quarter, the
4 average of all the results for that quarter shall be used when calculating the running
5 annual average. If a system fails to complete four consecutive quarters of monitoring,
6 the running annual average shall be based on an average of the available data.

7
8 **CCR, Title 22, Section 64552 of the CHSC states in relevant part:**

9 (a) Each public water system applying for an initial domestic water system permit
10 shall submit an application that includes:

- 11 (1) A map and description of the entire existing and propose service area;
12 (2) The population, and number and type of residential, commercial,
13 agricultural, and industrial service connections, in the system's projected service area;
14 (3) Design drawings of proposed facilities drawn to scale, showing location, size
15 and construction;
16 (4) As-built drawings of existing facilities, drawn to scale, showing location,
17 size, construction materials, and year of installation of any water main or other facility
18 that has already been constructed;
19 (5) Estimated MDD and PHD with the methods, assumptions and calculations
20 used for the estimations;
21 (6) A source water assessment and description of each source of water
22 proposed for use to meet the estimated MDD and information demonstrating that the

1 sources are adequate to do so, such as, but not limited to, well pump tests, the
2 capacities of all pumping facilities;

3 (7) Information that demonstrates how the system proposes to reliably meet
4 four hours of PHD using, but not limited to, available source capacity and distribution
5 reservoirs.

6
7 **STATEMENT OF FACTS**

8 Ceres West is operated under Water Supply Permit No. 2013-03-002, which was
9 issued on May 8, 2013 (revised February 18, 2015).

10
11 Ceres West water system is located in Stanislaus County along Highway 99,
12 approximately 0.6 miles southeast of the City of Ceres. Ceres West's service area is
13 approximately 3.71 acres in size.

14
15 Ceres West water system is classified as a community water system that serves the
16 residents of the mobile home community. According to the 2015 Annual Report to the
17 Division, Ceres West serves approximately 161 people through 46 service
18 connections. All service connections are un-metered. The water system obtains its
19 water supply from one active well located on Ceres West's property.

20
21 The well discharges to an approximately 5200-gallon pressure tank, prior to entering
22 the domestic water system. Irrigation demands are not provided by this well.
23



Title 22, CCR, Division 4, Chapter 15, Article 4, establishes primary drinking water standards and monitoring and reporting requirements for inorganic constituents. Community water systems must comply with the maximum contaminant level for arsenic of 0.010 mg/L, as established in Title 22 CCR Section 64431.

Samples collected in September 2012 showed arsenic concentrations over the MCL in water produced by South Well (PS Code 5000077-001) as noted in **Table 1** below. Therefore, in accordance with Section 64432 (g), Ceres West was required to begin quarterly arsenic monitoring of each non-compliant well, unless it chose to submit an additional sample (which it did not do). Section 64432 (i) provides that compliance with the arsenic MCL is based on a "running annual average" (RAA) of the quarterly monitoring samples, computed each quarter. Furthermore, Section 64432 (i) states: "If any one sample would cause the annual average to exceed the MCL, the system is immediately in violation." A summary of the wells that produce water with arsenic above the MCL is presented in the table below. All results are as reported to the Division by the laboratory that performed the analysis.

Table 1: Arsenic Monitoring Results (in mg/L)

Sample Quarter	4 th Quarter 2011	1 st Quarter 2012	2 nd Quarter 2012	3 rd Quarter 2012	Running Annual Average
South Well	0.016	0.020	0.019	0.018	0.018

On March 6, 2013, Compliance Order DER-13CO-001 was issued to Ceres West water system for violation of the arsenic maximum contaminant level directing in part:

1. Continue to provide quarterly public notification of Ceres West's failure to meet the arsenic MCL during any calendar quarter that RAA exceeds the MCL and shall submit proof of each public notification provided.
2. Commencing in March 2013, submit a report to the Division showing actions taken each quarter to bring the water system into compliance.
3. Submission of a Final Plan to the Division for review and approval by March 31, 2014.
4. Completion of all improvements and/or additions outline in the Final Plan by March 31, 2016.

On April 19, 2016, an Office Hearing was conducted at the Division's Office located at 3800 Cornucopia Way, Suite C, Modesto, CA 95358, due to Ceres West's failure to meet the Orders of Compliance Order DER-13CO-001.

Based on the arsenic results for 2015, it is highly likely that the South Well will exceed the arsenic MCL this year and be in violation of CHSC, Section 116555 and Section 64442. The results of these last samples are as follows in Table 2. All results are as reported to the Division by the laboratory that performed the analysis.

Table 2: Arsenic Reported in 2015 (in mg/L)

Sample Date	3/9/15	6/15/15	9/15/15	12/1/15	Running Annual Average
South Well	0.017	0.020	0.020	0.019	0.019

DETERMINATION

Based on the above Statement of Facts, the Division has determined that the water system has violated the California Health and Safety Code, Section 116555 and Section 64431, Title 22, CCR, since the water produced by the South Well during the 3rd quarter of 2012 exceeded the arsenic MCL, and continues to be in violation through the date of this Order, as shown above in **Table 1 and Table 2**.

DIRECTIVES

The Ceres West water system is hereby directed to take the following actions:

1. On or before April 29, 2016, submit a written response to the Division indicating its agreement to comply with the directives of this Order and with the Corrective Action Plan addressed herein.
2. Commencing on the date of service of this Order, provide quarterly public notification, in accordance with **Enclosure No. 1**, of Ceres West's failure to meet the arsenic MCL during any calendar quarter that RAA exceeds the MCL.
3. Commencing on the date of service of this Order, submit proof of each public notification conducted in compliance with **Directive No. 2**, herein above, within 10 days following each such notification, using the form provided as **Enclosure No. 2**.

- 1 4. Commencing on the date of service of this Order collect quarterly samples for
2 arsenic from each well, as required by Section 64432(g), and ensure that the
3 analytical results are reported to the Division electronically by the analyzing
4 laboratory no later than the 10th day following the month in which the analysis
5 was completed, but no later than the last business day of the month following
6 the close of the calendar quarter.
- 7
- 8 5. On or before May 31, 2016, provide to the Division in person at the Division's
9 office located at 3800 Cornucopia Way, Suite C, Modesto, CA 95358, an final
10 Corrective Action Plan. The Corrective Action Plan shall include a time
11 schedule for completion of each of the phases of the project such as
12 construction, startup and a date when the water system will be in compliance
13 with the arsenic MCL.
- 14
- 15 6. Perform each and every element of the Division's approved Corrective Action
16 Plan according to its time schedule.
- 17
- 18 7. On or before July 10, 2016, and every three months thereafter, submit a report
19 to the Division using the form provided as **Enclosure No. 3** (enclosed) showing
20 actions taken to comply with the Corrective Action Plan during the previous
21 three months.
- 22



1 8. On or before April 1, 2017, complete all of the improvements and/or additions
2 outline in Ceres West's Corrective Action Plan.

3
4 9. On or before April 1, 2018, Ceres West water system shall return to compliance
5 with all requirements of the Safe Drinking Water Act.

6
7 10. No later than April 11, 2018, demonstrate to the Division that the water
8 delivered by the Ceres West complies with the arsenic MCL.

9
10 11. Notify the Division in writing no later than five (5) days prior to the deadline for
11 performance of each **Directive**, set forth herein, if the Ceres West anticipates it
12 will not timely meet such performance deadline.

13
14 All submittals required by this Order shall be addressed to:

15 Rachel Riess, REHS
16 Department of Environmental Resources
17 3800 Cornucopia Way, Suite C
18 Modesto, CA 95358

19 As used in this Order, the "date of issuance" shall be the date of this Order; and the
20 "date of service" shall be the date this Order was served, personally or by certified
21 mail, to Ceres West.

22
23 The Division reserves the right to make modifications to this Order and/or to issue
24 further Order(s) as it may deem necessary to protect public health and safety.

1 Modifications may be issued as amendments to this Order and shall become effective
2 upon issuance.

3
4 Nothing in this Order relieves Ceres West of its obligation to meet the requirements of
5 the California SDWA, or any regulation, standard, permit or Order issued thereunder.

6
7 **PARTIES BOUND**

8 This Order shall apply to and be binding upon Ceres West, its owners, shareholders,
9 officers, directors, agents, employees, contractors, successors, and assignees.

10
11 **SEVERABILITY**

12 The Directives of this Order are severable, and Ceres West shall comply with each
13 and every provision hereof, notwithstanding the effectiveness of any other provision.

14
15 **FURTHER ENFORCEMENT ACTION**

16 The California SDWA authorizes the Department to: issue a Citation with assessment
17 of administrative penalties to a public water system for violation or continued violation
18 of the requirements of the California SDWA or any regulation, permit, standard,
19 Citation, or Order issued or adopted thereunder including, but not limited to, failure to
20 correct a violation identified in a Citation or Compliance Order. The California SDWA
21 also authorizes the Department to take action to suspend or revoke a permit that has
22 been issued to a public water system if the public water system has violated
23 applicable law or regulations or has failed to comply with an Order of the Department;

1 and to petition the superior court to take various enforcement measures against a
2 public water system that has failed to comply with an Order of the Department. The
3 Board does not waive any further enforcement action by issuance of this Order.

4 
5 _____

6 Date 4/22/16

7 Rachel Riess, REHS
8 Senior Environmental Health Specialist
9 Division of Environmental Health
10 Department of Environmental Resources
Stanislaus County

11 Certified Mail No. 7014 3490 0001 6851 2737

12 Enclosures: (1) Public Notification Template w/ Instructions
13 (2) Proof of Public Notification Form
14 (3) Quarterly Progress Report

Instructions for Tier 2 Chemical or Radiological MCLs Notice Template

Template Attached

Since exceeding chemical or radiological maximum contaminant levels (MCLs) is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations Title 22, Chapter 15, Section 64463.4(b)]. **Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)].**

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.4(c)(1)]	Mail or direct delivery ^(a)	Publication in a local newspaper
		Posting in conspicuous public places served by the water system or on the Internet ^(b)
		Delivery to community organizations
Non-Community Water System [64463.4(c)(2)]	Posting in conspicuous locations throughout the area served by the water system ^(b)	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting on the Internet or intranet ^(b)
		Direct delivery to each customer

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

Multilingual Requirement

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

[System] Has Levels of [Contaminant] Above the Drinking Water Standard

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Water sample results received on [date] showed [name of contaminant] levels of [level and units]. This is above the standard, or maximum contaminant level (MCL), of [standard and units].

What should I do?

- You do not need to use an alternative water supply (e.g., bottled water).
- This is not an immediate risk. If it had been, you would have been notified immediately. However, [Insert relevant health effects language from section 64465 appendix].
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

[Describe corrective action]. We anticipate resolving the problem within [estimated time frame].

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:



DEPARTMENT OF ENVIRONMENTAL RESOURCES

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9494

Phone: 209.525.6700 Fax: 209.525.6774

**Drinking Water Notification to Consumers
PROOF OF NOTIFICATION**

Name of System: _____

Please explain what caused the problem if determined and what steps have been taken to correct it.

Consumers Notified _____ **Yes** _____ **No (if no explain)**

Date of Notification: _____

On the date of notification set forth above, I served the above referenced document(s) on the consumers by:

_____ Sending a copy through the U.S. Mail, first class, postage prepaid, addressed to each of the resident(s) at the place where the property is situated, pursuant to the California Civil Code.

_____ Newspaper (if the problem has been corrected).

_____ Personally hand-delivering a copy to each of the consumers.

_____ Posting on a public bulletin board that will be seen by each of the consumers (for small non-community water systems with permission from the Environmental Resources Department)

_____ Other Approved Method: _____

I hereby declare the foregoing to be true and correct.

Dated: _____

Signature of Person Serving Notice

Notice: Complete this Proof of Notification and return it, along with a copy of the water user notification, to the Department of Environmental Resources, 3800 Cornucopia Way Suite C, Modesto, CA 95358, within **7 Days** after notifying water users.

Enclosure #2

Quarterly Progress Report

Water System:	Water System No.:
Compliance Order No.:	Violation:
Calendar Quarter:	Date Prepared:

This form should be prepared and signed by Water System personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Division of Drinking Water, _____ District Office.

Summary of Compliance Plan:

--

Tasks completed in the reporting quarter:

--

Tasks remaining to complete:

--

Anticipate compliance date:

--

--

Name

--

Signature

--

Title

--

Date